

**RESOLUTION NO. 20050623-062**

**WHEREAS**, the City Council of the City of Austin has found that public necessity requires the acquisition by the City of certain real property interests as stated hereinafter for the purposes hereinafter stated; and

**WHEREAS**, the City of Austin has attempted to purchase said real property interests and has been unable to agree with the owner of the real property interests on the fair market value thereof; **NOW, THEREFORE**,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

That the City Attorney, or other authorized designee, is hereby authorized and directed to file or cause to be filed a suit in eminent domain on behalf of the City of Austin against the owner now having or who may acquire an interest in the real property interests needed by the City, to acquire certain real property interests at the location hereinafter stated, for the purpose hereinafter stated, and from the owner hereinafter stated and/or its successors in interest, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions; said real property interests to be acquired are described in Exhibits "A" and "B," which are attached hereto and made a part hereof for all purposes.

The City Attorney or other authorized designee shall file eminent domain proceedings for:

Owner: Medical Science Center Parking, Inc.

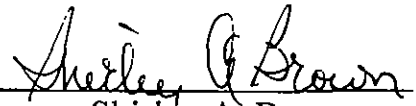
Project: Upper West Waller Sanitary Sewer Overflow Project, a portion of the Austin Clean Water Program

Intended Purpose: permanent wastewater line easement, to upgrade and improve wastewater lines, to prevent leakage of wastewater lines, and to comply with a federal mandate; and, temporary working space easement, the temporary easement listed above is necessary to install wastewater lines.

Location: 3507 West Avenue, Austin, Texas and see attached field notes.

**ADOPTED:** June 23, 2005

**ATTEST:**



Shirley A. Brown  
City Clerk

**FIELD NOTES FOR PARCEL 5022.06WE**

DESCRIPTION OF A 0.038 ACRE (1,646 SQUARE FOOT) TRACT OF LAND, OUT OF GOVERNMENT OUTLOT NO. 76, DIVISION D, ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, BEING PART OF LOT 3, ANNIE GAFFNEY ADDITION NUMBER THREE, A SUBDIVISION OF RECORD IN BOOK 76, PAGE 296 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 3 CONVEYED TO MEDICAL SCIENCE CENTER PARKING, INC., BY WARRANTY DEED DATED SEPTEMBER 25, 1979 AND RECORDED IN VOLUME 6741, PAGE 780, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.038 ACRE (1,646 SQUARE FOOT) TRACT OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

**BEGINNING** at a ½ inch iron rod found, having Texas State Plane Coordinate (Texas Central Zone, NAD 83 (93), U. S. Feet, Combined Scale Factor .9999547154) values N=10,083,509.5314, E=3,114,231.1853, for the southwest corner of said Lot 3, being also the northwest corner of a 0.133 acre tract of land out of said Government Outlot No. 76, Division D, as described in a deed to Michael S. Downey and wife, Jennifer A. Downey, of record in Document No. 2003198232 of the Official Public Records of Travis County, Texas, and being in the east line of West Avenue, a 60 foot right-of-way, for the southwest corner of the herein described tract;

**THENCE** N 27°43'58" E, with the west line of said Lot 3, and the east line of said West Avenue at 10.81 feet passing the west line of a 5-foot Public Utility Easement dedicated in said Annie Gaffney Addition, for a total distance of 15.00 feet to a 60d nail set for the southwest corner of a proposed Temporary Working Space Easement and the northwest corner of the herein described tract;

**THENCE** departing the east line of said West Avenue, and over and across said Lot 3, with the north and east lines of the herein described tract, the following two (2) courses and distances,

- 1) S 62°36'36" E, at 3.10 feet passing the east line of said 5 foot Public Utility Easement, for a total distance of 109.83 feet to a 60d nail set for the northeast corner of the herein described tract,
- 2) S 27°23'24" W for a distance of 15.00 feet to a 60d nail set, in the south line of said Lot 3, being also in the north line of Maiden Lane, a 26 foot alley right-of-way, and being the southeast corner of the herein described tract;

Exhibit "A"

Page 1 of 4

THENCE N 62°29'08" W with the south line of said Lot 3, and the north line of said Maiden Lane for a distance of 15.00 feet to a ½ inch iron pipe found, for the northeast corner of said 0.133 acre tract, being also an ell corner of said Maiden Lane, and being an angle point of the herein described tract;

THENCE N 62°37'47" W, departing the north line of said Maiden Lane, with the south line of said Lot 3 and the north line of said 0.133 acre tract, at 80.72 feet passing the east line of said 5 foot Public Utility Easement, at 86.92 feet passing the west line of said 5 foot Public Utility Easement, for a total distance of 94.92 feet to the POINT OF BEGINNING and containing 0.038 acre (1,646 square feet) of land.

#### BEARING BASIS NOTE

The Coordinates shown herein are based on Texas State Plane Coordinates System, Texas Central Zone NAD83 (93). The Bearings shown are Grid Bearings. These Coordinates were established from City of Austin reference points J-28-2001(CB54), having values 30°20'19.684"(N), 97°43'52.783"(W) with a combined scale factor of .999939805, K-27-2001(CB02), having values 30°19'39.618"(N), 97°43'05.074"(W) with a combined scale factor of .999922269, and K-25-2001(RM01), having values 30°18'23.86556"(N), 97°42'42.75814"(W) with a combined scale factor .9999547154

THE STATE OF TEXAS §  
§  
COUNTY OF TRAVIS §

KNOW ALL MEN BY THESE PRESENTS:

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 26<sup>th</sup> day of January 2005 A.D.

Zamora-Warrick and Associates, L.L.C.  
3737 Executive Center Dr., Suite 111  
Austin, Texas 78731  
512-241-1078

G. Rene Zamora 1/26/05  
G. Rene Zamora  
Registered Professional Land Surveyor  
No. 5682 - State of Texas

#### FIELD NOTES REVIEWED

By: PJF Date: 2-24-05

Austin Clean Water Programs  
Survey Coordinator

#### REFERENCES

MAPSCO 2004

Austin Grid No. J-25-4

TCAD PARCEL NO. 02180303470000

ZWA PROJ. NO. 04-019-02

ZWA FIELD NOTE NO. 04-019-02-5022.06WE

Exhibit "A"

Page 2 of 4



ANNIE GAFFNEY ADDITION  
NUMBER TWO  
BOOK 76, PAGE 218  
P.R.T.C.T.

02-1803-03-54  
MEDICAL SCIENCE CENTER  
711 WEST 38th STREET  
AUSTIN, TEXAS 78705



1"=30'  
JANUARY, 2005  
TRAVIS COUNTY, TEXAS



02-1803-03-84  
MEDICAL SCIENCE CENTER  
711 WEST 38th STREET  
AUSTIN, TEXAS 78705

WEST AVENUE  
(60' R.O.W.)

02-1803-03-45  
MEDICAL SCIENCE CENTER  
PARKING INC  
3511 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 8741, PAGE 780  
D.R.T.C.T.

LOT 1

OUTLOT 76, DIVISION D

02-1803-03-46  
MEDICAL SCIENCE CENTER  
PARKING INC  
3509 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 8741, PAGE 780  
D.R.T.C.T.

LOT 2

ANNIE GAFFNEY ADDITION  
NUMBER THREE  
BOOK 76, PAGE 298  
P.R.T.C.T.

02-1803-03-47  
MEDICAL SCIENCE CENTER  
PARKING INC  
3507 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 8741, PAGE 780  
D.R.T.C.T.

LOT 3

86 SQ. FT.  
OVERLAP OF  
5' P.U.E.

S82°36'36"E 109.83'

N62°37'47"W 94.92'  
(N60°08'00"W 94.84')

5' P.U.E.  
BOOK 76, PAGE 298  
P.R.T.C.T.

P.O.B.  
N=10083509.5314  
E=3114231.1853  
(GRID)

5022.06WE  
.038 ACRE  
1,848 SQ. FT.

02-1803-03-39  
MICHAEL S. JENNIFER A. DOWNEY  
3509 WEST AVENUE  
AUSTIN, TEXAS 78705  
(0.133 ACRE)  
DOCUMENT NO. 2003188232  
O.P.R.T.C.T.

02-1803-03-38  
TIM BLACKWOOD  
3413 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 12345, PAGE 1865  
D.R.T.C.T.

MAIDEN LANE  
26' ALLEY

LOT 1

LOT 2

02-1803-03-16  
ANNETTE CAVENGER  
716 35th STREET WEST  
AUSTIN, TEXAS 78705  
DOCUMENT NO. 2003021949  
O.P.R.T.C.T.

FILE NAME: FN04-019-02-5022.06WE.DWG



**ZWA**

Zamora-Warrick & Associates, L.L.C.  
Professional Land Surveyors

3737 Executive Center Drive, Suite 20 Austin, Texas 78731

Exhibit "A"  
Page 3 of 4

# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

## LEGEND:

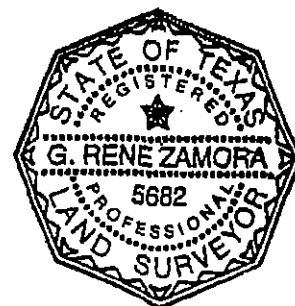
- 1/2" IRON ROD FOUND  
UNLESS OTHERWISE NOTED
- ⊙ IRON PIPE FOUND
- △ 60D NAIL SET
- △ CALCULATED POINT
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- W.E. WASTEWATER EASEMENT
- T.W.S.E. TEMPORARY WORKING SPACE EASEMENT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.R.T.C.T. PLAT RECORDS OF TRAVIS  
COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS OF TRAVIS  
COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS  
OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS  
OF TRAVIS COUNTY, TEXAS
- POWER POLE
- OE— OVERHEAD ELECTRIC
- 610— CONTOURS
- WV WATER VALVE
- WM WATER METER
- ( ) RECORD INFORMATION

## LINE TABLE

L1 N27°43'58"E 15.00'  
L2 S27°23'24"W 15.00'  
L3 N62°29'08"W 15.00'

## BEARING BASIS:

THE COORDINATES SHOWN HEREIN ARE BASED ON TEXAS STATE PLANE COORDINATES SYSTEM, TEXAS CENTRAL ZONE NAD83 (93). THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINTS J-28-2001(CB54), HAVING VALUES 30°20'19.684"(N), 97°43'52.783"(W) WITH A COMBINED SCALE FACTOR OF .999939805, K-27-2001(CB02), HAVING VALUES 30°19'39.618"(N), 97°43'05.074"(W) WITH A COMBINED SCALE FACTOR OF .999922269, AND K-25-2001(RM01), HAVING VALUES 30°18'23.86556"(N), 97°42'42.75814"(W) WITH A COMBINED SCALE FACTOR .9999547154.



FILE NAME: FN04-019-02-5022.06WE.DWG



**ZWA**

**Zamora-Warrick & Associates, L.L.C.**  
**Professional Land Surveyors**

3737 Executive Center Drive, Suite 111 Austin, Texas 78731

Exhibit "A"  
Page 4 of 4

*G. Rene Zamora* 1/24/05  
G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND SURVEYOR  
DATE:

Revised March 1, 2005

**FIELD NOTES FOR PARCEL 5022.06TWSE**

DESCRIPTION OF A 0.027 ACRE (1,193 SQUARE FOOT) TRACT OF LAND, OUT OF GOVERNMENT OUTLOT NO. 76, DIVISION D, ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT ON FILE IN THE GENERAL LAND OFFICE OF THE STATE OF TEXAS, BEING PART OF LOT 3, ANNIE GAFFNEY ADDITION NUMBER THREE, A SUBDIVISION OF RECORD IN BOOK 76, PAGE 296 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, SAID LOT 3 CONVEYED TO MEDICAL SCIENCE CENTER PARKING, INC., BY WARRANTY DEED DATED SEPTEMBER 25, 1979 AND RECORDED IN VOLUME 6741, PAGE 780, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, SAID 0.027 ACRE (1,193 SQUARE FOOT) TRACT OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH:

**COMMENCING** at a ½ inch iron rod found, having Texas State Plane Coordinate (Texas Central Zone, NAD 83 (93) HARN, U. S. Feet, Combined Scale Factor .9999547154) values of N=10,083,509.5314, E=3,114,231.1853, for the southwest corner of said Lot 3, being also the northwest corner of a 0.133 acre tract of land out of said Government Outlot No. 76, Division D, as described in a deed to Michael S. Downey and wife, Jennifer A. Downey, of record in Document No. 2003198232 of the Official Public Records of Travis County, Texas, being also in the east line of West Avenue, a 60 foot right-of-way, and being the southwest corner of a proposed Wastewater Easement;

**THENCE** N 27°43'58" E, with the west line of said Lot 3, and the east line of said West Avenue for a distance of 15.00 feet to a 60d nail set for the northwest corner of said proposed Wastewater Easement and the **POINT OF BEGINNING**, having Texas State Plane Coordinate (Texas Central Zone, NAD 83 (93), U. S. Feet, Combined Scale Factor .9999547154) values of N=10,083,522.8086, E=3,114,238.1656;

**THENCE** N 27°43'58" E, continuing with the west line of said Lot 3, and the east line of said West Avenue, at 4.19 feet passing the east line of a 5 foot Public Utility Easement dedicated in said Annie Gaffney Addition, for a total distance of 15.00 feet to a calculated point for the northwest corner of the herein described tract;

**THENCE** departing east line of said West Avenue, over and across said Lot 3, with the north, east and south lines of the herein described tract, the following five (5) courses and distances,

- 1) S 62°36'36" E, for a distance of 19.00 feet to a calculated point for a corner of the herein described tract,
- 2) S 27°23'24" W for a distance of 5.00 feet to a calculated point for a corner of the herein described tract,
- 3) S 62°36'36" E for a distance of 90.74 feet to a calculated point for the northeast corner of the herein described tract,
- 4) S 27°23'24" W for a distance of 10.00 feet to a 60d nail set for the southeast corner of the herein described tract, and
- 5) N 62°36'36" W at 106.73 passing the east line of said 5 foot Public Utility Easement, for a total distance of 109.83 feet to the **POINT OF BEGINNING** and containing 0.027 acre (1,193 square feet) of land.

**BEARING BASIS NOTE**

The Coordinates shown herein are based on Texas State Plane Coordinates System, Texas Central Zone NAD83 (93). The Bearings shown are Grid Bearings. These Coordinates were established from City of Austin reference points J-28-2001(CB54), having values 30°20'19.684"(N), 97°43'52.783"(W) with a combined scale factor of .999939805, K-27-2001(CB02), having values 30°19'39.618"(N), 97°43'05.074"(W) with a combined scale factor of .999922269, and K-25-2001(RM01), having values 30°18'23.86556"(N), 97°42'42.75814"(W) with a combined scale factor .9999547154.

**THE STATE OF TEXAS** §  
 §  
**COUNTY OF TRAVIS** §

**KNOW ALL MEN BY THESE PRESENTS:**

That I, G. Rene Zamora, a Registered Professional Land Surveyor, do hereby state that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground during January, 2005 under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 1<sup>st</sup> day of March 2005 A.D.

Zamora-Warrick and Associates, L.L.C.  
 3737 Executive Center Dr., Suite 111  
 Austin, Texas 78731  
 512-241-1078

*G. Rene Zamora* 3/1/05  
 G. Rene Zamora  
 Registered Professional Land Surveyor  
 No. 5682 – State of Texas

**FIELD NOTES REVIEWED**

By: *[Signature]* Date: 3-2-05

**Austin Clean Water Program  
 Survey Coordinator**

**REFERENCES**

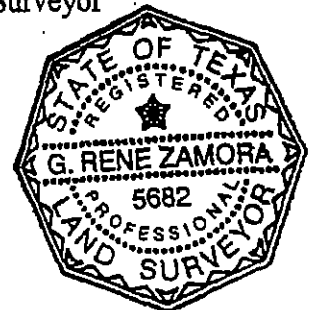
MAPSCO 2004

Austin Grid No. J-25-4

TCAD PARCEL NO. 02180303470000

ZWA PROJ. NO. 04-019-02

ZWA FIELD NOTE NO. 04-019-02-5022.06TWSE



0.027 Acre (1,193 Sq. Ft.)  
 Temporary Working Space Easement  
 5022.06TWSE

Exhibit "B"  
 Page 2 of 4

FN 04-019-02-5022.06TWSE  
 January 26, 2005  
 Revised March 1, 2005



# SKETCH TO ACCOMPANY LEGAL DESCRIPTION

ANNIE GAFFNEY ADDITION  
NUMBER TWO  
BOOK 76, PAGE 218  
P.R.T.C.T.

02-1803-03-54  
MEDICAL SCIENCE CENTER  
711 WEST 38th STREET  
AUSTIN, TEXAS 78705



1"=30'  
JANUARY, 2005  
TRAVIS COUNTY, TEXAS



WEST AVENUE  
(60' R.O.W.)

N27°43'58"E 51.47'  
(N30°18'E 51.47')

N27°43'58"E 51.52'  
(N29°33'E 51.53')

25' BUILDING SETBACK  
BOOK 76, PAGE 296  
P.R.T.C.T.

02-1803-03-45  
MEDICAL SCIENCE CENTER  
PARKING INC.  
3311 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 8741, PAGE 780  
D.R.T.C.T.

LOT 1

OUTLOT 76, DIVISION D

02-1803-03-46  
MEDICAL SCIENCE CENTER  
PARKING INC.  
3309 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 8741, PAGE 780  
D.R.T.C.T.

LOT 2

ANNIE GAFFNEY ADDITION  
NUMBER THREE  
BOOK 76, PAGE 298  
P.R.T.C.T.

02-1803-03-54  
MEDICAL SCIENCE CENTER  
711 WEST 38th STREET  
AUSTIN, TEXAS 78705

P.O.B.  
N=10083522.8088  
E=3114236.1856  
(GRID)

6.5 SQ. FT.  
OVERLAP OF  
5' P.U.E.

5022.06TWSE  
0.027 ACRE  
1,193 SQ. FT.

02-1803-03-47  
MEDICAL SCIENCE CENTER  
PARKING INC.  
3307 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 8741, PAGE 780  
D.R.T.C.T.

LOT 3

S82°38'36"E 90.74'

N62°36'36"W 108.83'  
106.73'

N27°41'3"E 51.83'  
(N30°18'E 51.83')

N62°37'47"W 94.92'  
(N80°08'00"W 94.84')

5' P.U.E.  
BOOK 76, PAGE 296  
P.R.T.C.T.

P.O.C.  
N=10083509.5314  
E=3114231.1853  
(GRID)

02-1803-03-39  
MICHAEL S. JENNIFER A. DOWNEY  
3809 WEST AVENUE  
AUSTIN, TEXAS 78705  
(0.133 ACRE)  
DOCUMENT NO. 2003198232  
O.P.R.T.C.T.

02-1803-03-38  
TIM BLACKWOOD  
3413 WEST AVENUE  
AUSTIN, TEXAS 78705  
VOLUME 12348, PAGE 1865  
D.R.T.C.T.

S27°47'34"W 61.17'  
(S30°10'10"W 61.17')  
-15.5' ALLEY

MAIDEN LANE  
26' ALLEY

LOT 1

LOT 2

02-1803-03-16  
ANNETTE CAVENDER  
718 35TH STREET WEST  
AUSTIN, TEXAS 78705  
DOCUMENT NO. 2003021949  
O.P.R.T.C.T.

REVISED TWSE LAYOUT: MARCH 1, 2005  
FILE NAME: FN04-019-02-5022.06TWSE.DWG



**ZWA**

Zamora-Warrick & Associates, L.L.C.  
Professional Land Surveyors

3737 Executive Center Drive, Suite 11 Austin, Texas 78731  
Tel (512) 241-1078 • Fax (512) 241-1392

Exhibit "B"  
Page 3 of 4

**LEGEND:**

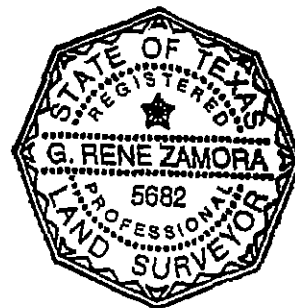
- 1/2" IRON ROD FOUND  
UNLESS OTHERWISE NOTED
- ⊙ IRON PIPE FOUND
- ▲ 60D NAIL SET
- △ CALCULATED POINT
- B.L. BUILDING LINE
- P.U.E. PUBLIC UTILITY EASEMENT
- W.E. WASTEWATER EASEMENT
- T.W.S.E. TEMPORARY WORKING SPACE EASEMENT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.R.T.C.T. PLAT RECORDS OF TRAVIS  
COUNTY, TEXAS
- D.R.T.C.T. DEED RECORDS OF TRAVIS  
COUNTY, TEXAS
- R.P.R.T.C.T. REAL PROPERTY RECORDS  
OF TRAVIS COUNTY, TEXAS
- O.P.R.T.C.T. OFFICIAL PUBLIC RECORDS  
OF TRAVIS COUNTY, TEXAS
- ◆ POWER POLE
- OE— OVERHEAD ELECTRIC
- 810— CONTOURS
- WY WATER VALVE
- WM WATER METER
- ( ) RECORD INFORMATION

**LINE TABLE**

L1 N27°43'58"E 15.00'  
L2 N27°43'58"E 15.00'  
L3 S82°36'36"E 19.00'  
L4 S27°23'24"W 5.00'  
L5 S27°23'24"W 10.00'

**BEARING BASIS:**

THE COORDINATES SHOWN HEREIN ARE BASED ON TEXAS STATE PLANE COORDINATES SYSTEM, TEXAS CENTRAL ZONE NAD83 (93). THE BEARINGS SHOWN ARE GRID BEARINGS. THESE COORDINATES WERE ESTABLISHED FROM CITY OF AUSTIN REFERENCE POINTS J-28-2001(CB54), HAVING VALUES 30°20'19.684"(N), 97°43'52.783"(W) WITH A COMBINED SCALE FACTOR OF .999939805, K-27-2001(CB02), HAVING VALUES 30°19'39.618"(N), 97°43'05.074"(W) WITH A COMBINED SCALE FACTOR OF .999922269, AND K-25-2001(RM01), HAVING VALUES 30°18'23.86556"(N), 97°42'42.75814"(W) WITH A COMBINED SCALE FACTOR .9999547154.



REVISED TWSE LAYOUT: MARCH 1, 2005  
FILE NAME: FN04-019-02-5022.06TWSE.DWG



**ZWA**

**Zamora-Warrick & Associates, LLC**  
**Professional Land Surveyors**

3737 Executive Center Drive, Suite 11 Austin, Texas 78731  
Tel (512) 241-1076 • Fax (512) 241-0302

*G. Rene Zamora* 3/1/05  
G. RENE ZAMORA  
REGISTERED PROFESSIONAL LAND  
SURVEYOR NO. 5682 - STATE OF TEXAS

DATE: